

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE February 7, 2006		(3) CONTACT/PHONE Timothy J. Smith, County Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of Resolutions to Vacate a Portion of Sixth Street in the Town of Cayucos, and Portions of Seventeenth, Eighteenth and Mission Streets in San Miguel; Supervisorial Districts 1 and 2					
(5) SUMMARY OF REQUEST Road vacations are requested by owners of adjacent parcel to consolidate right of way into private parcels.					
(6) RECOMMENDED ACTION It is recommended that your Board conduct a public hearing and adopt the attached Resolutions to Vacate.					
(7) FUNDING SOURCE(S) Public Works		(8) CURRENT YEAR COST Undetermined (County may avoid future maintenance liability obligations)		(9) ANNUAL COST Undetermined - minimal, if anything at all	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Cayucos Advisory Counsel, San Miguel Community Services District, Department of Planning and Building, Environmental Coordinator's Division, County Counsel, and County Parks Division					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) First and Second			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 15 minutes____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

Reference: 06FEB07-H-2

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(19) ADMINISTRATIVE OFFICE REVIEW	<div style="font-family: cursive; font-size: 1.5em; margin: 0 auto;">OK Leslie Brown</div> <div style="font-family: cursive; font-size: 1.5em; margin: 0 auto;">C-2 2-7-06</div>
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS


Noel King, Director


County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: Timothy J. Smith, Right of Way Agent 

VIA: Glen L. Priddy, Deputy Director of Public Works- Engineering Services 

DATE: February 7, 2006

SUBJECT: Submittal of Resolutions to Vacate a Portion of Sixth Street in the Town of Cayucos, and portions of Seventeenth, Eighteenth and Mission Streets in the Town of San Miguel; Supervisorial Districts 1 and 2

Recommendation

It is recommended that your Board conduct a public hearing and adopt the attached Resolutions to Vacate.

Discussion

The owners of adjacent properties at Sixth Street in the Town of Cayucos, and at Seventeenth, Eighteenth and Mission Streets in the Town of San Miguel, respectively, have requested these vacations to provide for additional area for contiguous use.

The Sixth Street vacation request addresses a fifty-foot wide stub-end street, between St. Mary and Park Street, which is impassable. A pedestrian easement is being reserved to the County for possible future use.

The Seventeenth and Eighteenth Street portions being considered for vacation, also stub-end streets, lie between Union Pacific Railroad and Mission Street in San Miguel. The other requested area for vacation, also in San Miguel, is a ten foot wide strip of Mission Street right of way (out of a 100 foot width), on the easterly side between Sixteenth Street and Eighteenth Street.

The subject roads are unnecessary for present or prospective public use, and the requests are consistent with the County General Plan.



Other Agency Involvement/Impact

The County Planning Department prepared the necessary conformity reports. The neighborhood advisory councils have reviewed the road vacation requests without objection. Resolutions were reviewed and approved by the Office of County Counsel.

Financial Considerations

In the event the vacations are approved, the County would not be responsible for possible future road maintenance and/or liability obligations. The excess right of way would be absorbed into the adjoining properties. Therefore, no direct financial impact is expected to result from the recommended Board action.

Results

Approval of the recommended action would conclude the vacation process, allowing consolidation of property interests, leading to the ultimate community-wide result of a more well governed community.

Attachments: Vicinity maps
 Resolutions to Vacate

File: TJS

Reference: 06FEB07-H-2

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Handwritten signature or initials, possibly "CJM", in the bottom right corner.

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION VACATING A PORTION OF SIXTH STREET, A PURPORTED PUBLIC ROAD IN THE TOWN OF CAYUCOS, SUPERVISORIAL DISTRICT NO. 2

The following Resolution is now offered and read:

WHEREAS, pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code, this Board of Supervisors duly adopted a resolution and notice of intention to vacate a portion of Sixth Street, a purported public road, in the Town of Cayucos; and

WHEREAS, in said resolution and notice, the date of hearing on the resolution of vacation was set for the 7th day of February 2006, at 9:00 o'clock a.m. in the Supervisors Chambers; and

WHEREAS, said notice of intention to vacate was posted and published as required by Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and

WHEREAS, said hearing was duly held and opportunity was given to all interested persons to present evidence for and against said vacation; and

WHEREAS, the Planning Commission considered the proposed vacation and reported on December 8th, 2005, that said vacation is in conformity with the General Plan; and

WHEREAS, it is in the public interest that the hereinafter described County road be vacated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

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1. That the recitals set forth above are true and correct.
 2. That this Board finds, from all of the evidence submitted, that that portion of Sixth Street, a purported public road, in the Town of Cayucos, and more particularly described in Exhibit A and shown on Exhibit B (map), each attached hereto and made a part hereof, is unnecessary for present or prospective public use.
 3. That this Board has determined, pursuant to Streets and Highways Code, Section 2381, that said portion of Sixth Street, a purported public road, in the Town of Cayucos, is not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 156.
 4. That it be and hereby is ordered that said portion of Sixth Street, in the Town of Cayucos, and more particularly described in Exhibit A, and shown on Exhibit B (map), each attached hereto and made a part hereof, is vacated as a County Road of the County of San Luis Obispo, State of California.
 5. That in support of this Board's decision to vacate said road, this Board makes the following findings:
 - a. Vacation of subject portion of road will not impair public or private access.
 - b. Vacation of subject portion of road will not affect existing traffic circulation.
 - c. Subject portion of road has been impassable to public travel, and no public funds have been expended on said portion of road.
 - d. This vacation is in the public interest, in that the County will extinguish roadway interests and allow consolidation of property rights.
 6. That the public convenience and necessity require the reservation and exception of certain easement and rights-of-way for works enumerated in Streets and Highways Code Section 8340. Said easements and rights-of-way reserved and excepted from this vacation are more particularly described in Exhibit A, attached hereto and made a part hereof.
 7. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Commission that said vacation of a portion of Sixth Street, a purported public road, is in conformity with the General Plan.
 8. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
 9. That upon such recordation, the vacation is complete.

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C/S

Upon motion of Supervisor _____, seconded by
Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR.,
COUNTY COUNSEL

By: *James B. Lindholm, Jr.*
Deputy County Counsel

Dated: 1/4/06

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RECOMMENDED FOR APPROVAL
RIGHT OF WAY AGENT

Timothy J. Smith
Timothy J. Smith

RECOMMENDED FOR APPROVAL
DIRECTOR OF PUBLIC WORKS

Noel King
Noel King

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk
of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby
certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as
the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____
day of _____, 20 _____.

(SEAL)

CD-325

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

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**LEGAL DESCRIPTION OF VACATION OF PORTION OF SIXTH STREET,
A PURPORTED PUBLIC ROAD, IN THE TOWN OF CAYUCOS**

That portion of right of way being fifty feet (50') wide, also being the northerly eighty feet (80') of Sixth Street, in the Town of Cayucos, County of San Luis Obispo, State of California, more particularly described as that portion of road right of way, formerly referred to as 7th Street, which lies between Lot 16 of Block 17 and Lot 22 of Block 16, of the Morro Rock View Subdivision No. 4 as recorded in Book 3 of Maps Page 114, of the County Clerk Recorder's Office, County of San Luis Obispo, State of California.

Reserving, unto Pacific Gas and Electric Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing public utility facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto SBC any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing telephone communication facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto Southern California Gas Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing gas piping facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto the County of San Luis Obispo, a waterline and pedestrian easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge said waterline and pedestrian easement and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated.

u:sixthstvac.lgl

EXHIBIT A

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Proposed Road Abandonment

+ STA



**Road Abandonment Request
Stanton/ SUB2004-00163**



Proposed Road Abandonment

CAYUCOS
ASSESSOR'S MAP COUNTY OF
SAN LUIS OBISPO, CA.
BOOK 064 PAGE 13

UNIT B¹¹

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION VACATING PORTIONS OF SEVENTEENTH AND EIGHTEENTH STREETS, PURPORTED PUBLIC ROADS, AND A PORTION OF MISSION STREET, COUNTY ROAD NO. 6016 IN THE TOWN OF SAN MIGUEL, SUPERVISORIAL DISTRICT NO. 1

The following Resolution is now offered and read:

WHEREAS, pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code, this Board of Supervisors duly adopted a resolution and notice of intention to vacate portions of Seventeenth and Eighteenth Streets, purported public roads, and a portion of Mission Street, County Road No. 6016, in the Town of San Miguel; and

WHEREAS, in said resolution and notice, the date of hearing on the resolution of vacation was set for the 7th day of February 2006, at 9:00 o'clock a.m. in the Supervisors Chambers; and

WHEREAS, said notice of intention to vacate was posted and published as required by Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and

WHEREAS, said hearing was duly held and opportunity was given to all interested persons to present evidence for and against said vacation; and

WHEREAS, the Planning Commission considered the proposed vacation and reported on December 8, 2005, that said vacation is in conformity with the General Plan; and

WHEREAS, it is in the public interest that the hereinafter described County roads be vacated.

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NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that those portions of Seventeenth and Eighteenth Streets, purported public roads and a portion of Mission Street, County Road No. 6016, in the Town of San Miguel, and more particularly described in Exhibit A and shown on Exhibit B (map), each attached hereto and made a part hereof, are unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 2381, that said portions of Seventeenth and Eighteenth Streets, purported public roads and a portion of Mission Street, County Road No. 6016, in the Town of San Miguel, are not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 156.
4. That it be and hereby is ordered that said portions of Seventeenth and Eighteenth Streets, purported public roads, and a portion of Mission Street, County Road No. 6016, in the Town of San Miguel, and more particularly described in Exhibit A, and shown on Exhibit B (map), each attached hereto and made a part hereof, are vacated as County Roads of the County of San Luis Obispo, State of California.
5. That in support of this Board's decision to vacate said road, this Board makes the following findings:
 - a. Vacation of subject portions of roads will not impair public or private access.
 - b. Vacation of subject portions of roads will not affect existing traffic circulation.
 - c. No public funds have been expended on said portions of roads.
 - d. This vacation is in the public interest, in that the County will extinguish roadway interests and allow consolidation of property rights.
6. That the public convenience and necessity require the reservation and exception of certain easements and rights-of-way for works enumerated in Streets and Highways Code Section 8340. Said easements and rights-of-way reserved and excepted from this vacation are more particularly described in Exhibit A, attached hereto and made a part hereof.
7. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Commission that said vacation of portions of Seventeenth and Eighteenth Streets, purported public roads and a portion of Mission Street, County Road No. 6016, are in conformity with the General Plan.
8. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
9. That upon such recordation, the vacation is complete.

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Upon motion of Supervisor _____, seconded by
Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR.,
COUNTY COUNSEL

By: _____
Deputy County Counsel

Dated: 1/4/06

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RECOMMENDED FOR APPROVAL
RIGHT OF WAY AGENT

Timothy J. Smith

RECOMMENDED FOR APPROVAL
DIRECTOR OF PUBLIC WORKS

Noel King

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk
of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby
certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as
the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____
day of _____, 20 ____.

(SEAL)

CD-325

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

**LEGAL DESCRIPTION FOR VACATION OF PORTIONS OF
SEVENTEENTH STREET, EIGHTEENTH STREET
AND MISSION STREET IN THE TOWN OF SAN MIGUEL**

Those portions of road right of way located in the Town of San Miguel, County of San Luis Obispo, State of California as referred to in that Map of San Miguel, recorded in Map Book B, Page 53 in the Office of the County of San Luis Obispo Recorder's Office, in said County, more particularly described as follows:

That portion of Seventeenth Street (a purported public road)

All that portion of road right of way being Seventeenth Street, which lies easterly of Mission Street, and between Blocks 67 and 68 according to said Map of San Miguel; and

That portion of Eighteenth Street (a purported public road)

All that portion of road right of way being Eighteenth Street, which lies easterly of Mission Street and between Block 68 and 69 according to said Map of San Miguel; and

That portion of Mission Street (County Road No. 6016)

That portion of road right of way being a strip ten feet (10') in width, whose easterly line of said right of way begins at the intersection of the northeast corner of the intersection of Sixteenth Street and Mission and which extends to the southeast corner of the intersection of Eighteenth Street and Mission Street, more particularly described as that strip of right of way which lies adjacent to and contiguous with the westerly boundaries of Blocks 67, 68 and 69, and the prolongation thereof, and extends across those portions of Seventeenth Street and Eighteenth Street described hereinabove, said blocks and streets according to said Map of San Miguel, County of San Luis Obispo, State of California.

Reserving, unto Pacific Gas and Electric Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing public utility facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto SBC any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing telephone communication facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

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AND Reserving, unto Southern California Gas Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing gas piping facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto San Miguel Community Services District, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the water and wastewater facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated.

EXHIBIT "A"

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Page Two of Two Pages

EXHIBIT A

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VACATION OF SEVENTEENTH, EIGHTEENTH AND MISSION STREETS
IN SAN MIGUEL

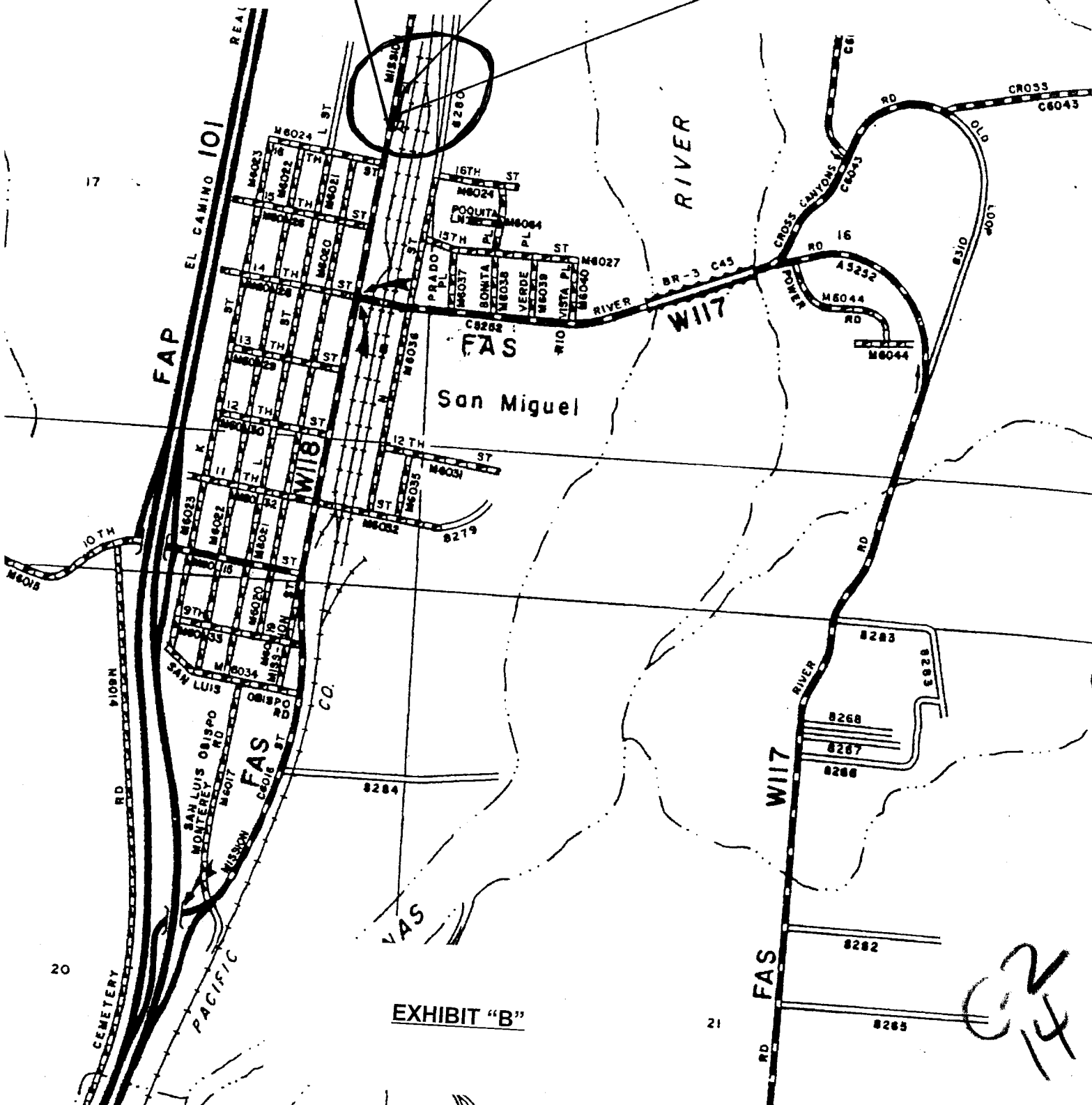


EXHIBIT "B"